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No. 12.

ANNUAL REPORT

OF THE

ATTORNEY GENERAL

FOR THE

YEAR 1879.

BOSTON:

Band, Aberg, & Co., Printers to the Commonwealth,
117 FRANKLIN STREET.
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Commonwealth of Massachusetts.

ATTORNEY-GENERAL'S OFFICE,
54 EQUITABLE BUILDING, BOSTON, Jan. 21, 1880. }

To the Hon. CHARLES J. NOYES, *Speaker of the House of Representatives.*

SIR,—I have the honor to transmit to you, herewith, my official Report, for the year ending on the third Wednesday in January, A. D. 1880.

I am, very respectfully,
Your obedient servant,

GEO. MARSTON.

Commonwealth of Massachusetts.

ATTORNEY-GENERAL'S OFFICE, Jan. 21, 1880.

To the Honorable the Speaker of the House of Representatives :

I HAVE the honor to make to the Legislature my official report for the year ending Jan. 21, 1880, as follows.

The whole number of cases in the courts which have required my personal attention is 188, and they are thus classified : —

Indictments for murder	21
Exceptions and reports in criminal cases	64
Informations upon relation of public officers	77
Informations upon relation of private persons	9
Miscellaneous	17
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	188

I have attended to the conduct and disposition of the following indictments, in which the defendants were charged with murder : —

IN THE COUNTY OF BERKSHIRE.

An indictment against John C. Dailey for the murder of James Patrick Spellman by beating and kicking. The defendant was arraigned before Mr. Justice Colt on the fourth day of April last. The killing was the result of a quarrel, in which no actual premeditation of injury to Spellman was apparent. The defendant pleaded guilty of murder in the second degree, which plea I accepted ; and Dailey was thereupon sentenced to imprisonment in the State Prison for life.

An indictment against William A. Montgomery for the murder of George W. Ellis. The defendant was arraigned before Mr. Justice Colt on the fourth day of April last. The killing arose out of a quarrel when the parties had been

drinking together. There was no evidence of previous ill-will, or of deliberate premeditation. The defendant pleaded guilty of murder in the second degree, which plea I accepted; and Montgomery was thereupon sentenced to the State Prison for life.

IN THE COUNTY OF WORCESTER.

An indictment against Francis E. Hayden for the murder of Sarah E. Hayden by poisoning. The defendant was arraigned before Mr. Justice Soule on the twelfth day of July last; and Messrs. George F. Verry of Worcester, and Harris C. Hartwell of Fitchburg, were assigned as counsel for the prisoner. He was tried before Justices Morton and Soule, commencing Dec. 2, and terminating in a verdict of *not guilty*, Dec. 11.

The case was very carefully and thoroughly prepared for trial by Hon. H. B. Staples, District Attorney, who assisted me in the prosecution.

An indictment against Thomas F. Callahan for the murder of Luke Dailey by shooting. The defendant was arraigned before Mr. Justice Morton on the tenth day of December, and pleaded guilty of murder in the second degree, which plea I accepted; and he was thereupon sentenced to imprisonment in the State Prison for life.

An indictment against Louis Army for the murder of James D. Cotter. The defendant was arraigned on the eighth day of December before Mr. Justice Morton, and pleaded not guilty; and the case awaits trial.

IN THE COUNTY OF MIDDLESEX.

An indictment against John N. Buzzell and Carrie Frances Porter for the murder of an infant child, not named, by strangling. The defendants were arraigned before the Chief Justice on the fourteenth day of July, and Messrs. William B. Gale and Henry F. Hurlbut were assigned as counsel for Buzzell, and William H. Niles as counsel for Porter; and the prisoners severally pleaded not guilty. Afterwards, upon an examination of the case, I determined that the interest of the Commonwealth required that I should use Carrie Frances Porter as a witness upon the trial of Buzzell; and I thereupon entered a *nolle prosequi* as to her.

The trial of Buzzell commenced before Justices Colt and Ames on the thirtieth day of December, and, on the second day of January, resulted in a verdict of *not guilty*.

Hon. John W. Hammond, District Attorney, assisted me in the prosecution.

IN THE COUNTY OF SUFFOLK.

An indictment against Nicolo Infantino, Antonio Ardito, for the murder of Joseph F. Frye by shooting, and against Saro Chiavaro, Vincenzo Bandiera, and Joseph Donato as accessories thereto before the fact. The defendants were arraigned on the third day of November before the Chief Justice, and severally pleaded not guilty. Messrs. Isaac S. Morse and Joseph B. Sanford were assigned as counsel for Infantino, Ardito, and Chiavaro; Messrs. Isaac S. Morse and Richard J. McKellegat as counsel for Bandiera; and William W. Doherty and James R. Murphy as counsel for Donato.

The case was assigned for trial on Dec. 15, before the Chief Justice and Mr. Justice Endicott. At that time I had become satisfied that the indictment could not be maintained against Bandiera and Donato, and I entered a *nolle prosequi* as to them, and they were discharged. They will be tried as accessories *after* the fact to this homicide in the Superior Court.

An investigation of the circumstances of this transaction, and of the relations existing between the parties, and of their conduct on the night of the killing, satisfied me that the government had not good reason to expect a conviction of murder in the first degree, and that public justice would be satisfied with the result which is hereafter stated.

Infantino and Ardito desired to retract their former plea, and plead anew, to which I consented; and they thereupon pleaded guilty of murder in the second degree, which plea I accepted; and they were then sentenced to imprisonment in the State Prison for life.

Chiavaro desired to retract his former plea, and plead anew, to which I consented; and he thereupon pleaded guilty as accessory before the fact to murder in the second degree, which plea I accepted. Questions of law upon the form of the indictment were raised by his counsel upon a motion in arrest of judgment, and those questions are now pending before the Supreme Judicial Court upon report.

Two indictments had previously been returned, — one against Infantino and Ardito as principals, and another against Chiavaro, Bandiera, and Donato as accessories before the fact. In these I have entered a *nolle prosequi*.

There are still pending the following indictments for murder, in which the accused have not been arraigned: —

Charles F. Freeman for the murder of Edith B. Freeman, in Barnstable County.

John Kemmler for the murder of Anna Kemmler, Emma Kemmler, and Ludmilla Kemmler (three indictments), in Hampden County.

Mortimer Johnson and Sarah A. Johnson for the murder of an infant child, without name, in Middlesex County. Mortimer Johnson has escaped from jail, and is now at large, and the trial has been delayed from that cause.

Henry J. Gunn for the murder of Justin L. Gunn, in Plymouth County.

On the twentieth day of January, 1879, a bill in equity was filed against the Commonwealth by the Troy & Greenfield Railroad Company, in the Supreme Judicial Court for the County of Suffolk, seeking to redeem the property generally known as the Troy & Greenfield Railroad and Hoosac Tunnel, under the mortgage executed to the Commonwealth, July 28, 1855, upon payment of the loan of two million dollars, to secure which the mortgage was given. By a Resolve approved Feb. 7, 1879, I was directed to protect the interests of the Commonwealth in that suit. I filed a demurrer to the bill, which, after argument, was sustained, and the bill was dismissed.

An appropriation of five thousand dollars was made by Chap. 306 of the Acts of 1879 to cover expenses to be incurred in the defence of this suit as is therein provided. No part of this appropriation has been expended or required.

By a Resolve of 1878, Chap. 34, an appropriation was made for the purpose therein expressed concerning Green Harbor River, in Marshfield. A proceeding is now pending in the Supreme Judicial Court, of the kind contemplated by that Resolve. A small sum, less than a hundred dollars, has been expended for the service of the process, and the

balance of the appropriation remains in the treasury. The reasons which induced the passage of the Resolve still remain, and, in my opinion, the appropriation should be renewed.

I have reason to know that there is great lack of uniformity in the method of taxation of costs in criminal cases, and in the scale of fees taxed and allowed in the different criminal-law districts of the Commonwealth. There ought to be such legislation as will establish uniformity, which will also tend, I think, to economy of expenditure in this important branch of the public service.

By force of certain statutes (1870, Chap. 359, § 11; 1872, Chap. 68, § 5, and Chap. 358; and 1877, Chap. 211, § 6), authority is given to judges of district courts, and trial justices, to sentence boys between the ages of seven and seventeen years to a reformatory institution, or, in their discretion, "to such other punishment as is provided for the offence." Cases have arisen where the offence was of such a kind that the punishment provided for it may be imprisonment in the State Prison. Although the judges of the district court did not undertake to sentence to that prison, the fact that it was in their power to do so, under the letter of the statute, has been held by the Supreme Judicial Court to render the law unconstitutional. It is evident the Legislature intended no such result as this; and provision should be made for giving magistrates the authority which it was expected they would exercise in these matters, in terms conformable to the Constitution.

By the Act of 1879, Chap. 195, provision is made concerning the commitment of lunatics, which requires certain formalities before patients can be received into private hospitals. This imposes a duty, and often expense of travel, upon magistrates, for which no fee or compensation is given. Many patients are brought from other States for treatment in private hospitals, and there is no reason why a proper charge should not be made by the committing magistrate for the service required of him. Friends of these patients have been willing to pay for the service; but the magistrate, being paid by a salary, has not felt justified in receiving compensation without authority of law. I respectfully suggest that some legislation in this matter is expedient.

Under this statute of 1879, question has arisen whether

its provisions are applicable to the transfer of persons in custody, made by force of Gen. Stat., Chap. 74, § 7, and Gen. Stat., Chap. 180, § 4. Whether these "transfers" are "commitments," should not be left to the varying interpretations of different magistrates; but certainty and uniformity are preferable.

Under the Act of 1879, Chap. 255, "to provide a remedy for persons having claims against the Commonwealth," only one petition has been made. This was by Joshua B. Smith, seeking to recover a large claim heretofore pursued before the Legislature. Since the proceeding was commenced the petitioner has died, which fact has suspended the matter, and may result in an abandonment of the suit.

The number of applications for requisitions upon the governors of other States for the extradition and return of fugitives from justice, during the year, is 21, of which were granted 19, for 23 persons.

The number of requisitions from the governors of other States upon the Governor of this Commonwealth has been 19, of which 13 were complied with.

The expense incurred by the Commonwealth for the extradition and return of fugitives from justice during the year has been \$911.55.

There has been collected, through this office, the sum of \$5,696.22 upon claims due the Commonwealth, and the same has been paid over to the treasurer and receiver-general.

Further details of the service of this office are presented in the subjoined tables.

Upon assuming the duties of the office, I appointed Frederick H. Gillett of Springfield as assistant attorney-general, who has performed the duties of his position with fidelity and ability, and still continues therein.

GEO. MARSTON, *Attorney-General*.

TABLE

Showing the Number of Criminal Cases pending on Questions of Law in the Supreme Judicial Court during the Year ending Jan. 21, 1880, and the Disposition thereof.

COUNTIES.	Cases pending.	Decided for the Commonwealth.	Decided against the Commonwealth.	Argued, and not decided.	Not yet argued.
BERKSHIRE	1	—	1	—	—
BRISTOL	7	2	—	5	—
ESSEX	5	1	1	3	—
FRANKLIN	2	—	—	2	—
HAMPSHIRE	1	—	1	—	—
MIDDLESEX	12	4	4	1	3
NORFOLK	6	1	—	4	1
PLYMOUTH	2	1	—	—	1
SUFFOLK	19	14	1	1	3
WORCESTER	9	5	4	—	—
Totals	64	28	12	16	8

TABLE

Showing the Number and Character of Criminal Cases pending on Questions of Law in the Supreme Judicial Court during the Year ending Jan. 21, 1880, and the Disposition thereof.

OFFENCES.	Cases pending.	Decided for the Commonwealth.	Decided against the Commonwealth.	Argued, but not yet decided.	Not yet argued.
Abortion	1	1	-	-	-
Arson	3	2	1	-	-
Assault	3	1	-	-	2
Bigamy	2	2	-	-	-
Breaking and entering	2	1	1	-	-
Conspiracy	1	1	-	-	-
Disobeying superintendent of draw- bridge	1	1	-	-	-
Disorderly house	1	1	-	-	-
Embezzlement	1	1	-	-	-
Forgery	1	-	-	1	-
Keeping a resort for prostitution	1	1	-	-	-
Keeping an unlicensed dog	1	-	-	-	1
Larceny	4	4	-	-	-
Lewdness	1	-	-	1	-
Lewd and lascivious cohabitation	1	-	1	-	-
Liquor, illegal sale of	4	-	1	2	1
Liquor, illegal keeping	3	1	1	1	-
Liquor, illegal keeping, with intent to sell	2	-	1	1	-
Liquor nuisance	6	2	1	3	-
Liquor seizure	1	-	-	1	-
Malicious mischief	2	-	2	-	-
Manslaughter	2	1	-	-	1
Murder	1	-	-	-	1
Obtaining signature by false pre- tences	1	1	-	-	-
Obtaining money by false pretences, Perjury	3	-	1	1	1
Preventing person entering employ- ment	2	1	-	1	-
Receiving stolen goods	2	-	-	2	-
Rescue	2	1	-	1	-
Rescue	1	1	-	-	-
Real estate, conveyance without dis- closing encumbrance	2	-	2	-	-
Sending letter to extort money by threat	1	-	-	1	-
Stagnant water in cellars	1	1	-	-	-
Wantonly destroying trees in high- way	1	1	-	-	-
Way, obstruction of	1	1	-	-	-
Woodcock, illegal sale of	1	-	-	-	1
Writ of error	1	1	-	-	-
Total	64	28	12	16	8

TABLE

Showing the Number and Character of Cases not Criminal pending on Questions of Law in the Supreme Judicial Court; and argued by the Attorney-General during the Year ending Jan. 21, 1880, and the Disposition thereof.

CASES.	Cases pending.	Cases decided for the Commonwealth.
Bill to redeem mortgage	1	1
Payment of Savings Bank Tax . . .	1	1
Total	2	2

CASES

Argued and conducted by the Attorney-General during the Year ending Jan. 21, 1880.

COUNTY OF BERKSHIRE.

Commonwealth *v.* John and Thomas Monahan. S. J. C. *Murder.* Not yet tried.

Commonwealth *v.* John C. Dailey. S. J. C. *Murder.* Plea, guilty of murder in the second degree. Sentence, imprisonment in the State Prison for life.

Commonwealth *v.* William A. Montgomery. S. J. C. *Murder.* Plea, guilty of murder in the second degree. Sentence, imprisonment in the State Prison for life.

Commonwealth *v.* James Holmes. S. J. C. *Arson.* Exceptions S. C. Exceptions sustained.

COUNTY OF BRISTOL.

Commonwealth *v.* Chester M. Sprague. S. J. C. *Illegal keeping of intoxicating liquor.* Exceptions S. C. Argued; not yet decided.

Commonwealth *v.* Mark Dyer. S. J. C. *Preventing a person entering the employment of another.* Exceptions S. C. Argued; not yet decided.

Commonwealth *v.* Michael Hurley. S. J. C. *Preventing a person entering the employment of another.* Exceptions S. C. Argued; not yet decided.

Commonwealth *v.* George F. Eggleston. S. J. C. *Illegal sale of intoxicating liquor.* Exceptions S. C. Argued; not yet decided.

Commonwealth *v.* William Coupe. S. J. C. *Obstructing a highway.* Exceptions S. C. Exceptions overruled.

Commonwealth *v.* Joshua Fuller. S. J. C. *Disorderly house.* Exceptions S. C. Exceptions waived.

Commonwealth *v.* Intoxicating liquors. Carl Becker, claimant. S. J. C. *Liquor seizure.* Exceptions S. C. Argued; not yet decided.

COUNTY OF ESSEX.

Commonwealth *v.* William Russell. S. J. C. *Murder*. Defendant still stands committed in the Taunton Lunatic Asylum, to await the further order of the Court.

Commonwealth *v.* Michael Foyne. S. J. C. *Illegal keeping of intoxicating liquor with intent to sell*. Exceptions S. C. Exceptions sustained.

Commonwealth *v.* Hugh Harkins. S. J. C. *Obtaining money by false pretences*. Exceptions S. C. Argued; not yet decided.

Commonwealth *v.* Benjamin F. Darling. S. J. C. *Receiving stolen goods*. Exceptions S. C. Argued; not yet decided.

Commonwealth *v.* George F. Thomas. S. J. C. *Keeping place of resort for prostitution*. Exceptions S. J. C. Exceptions waived.

Commonwealth *v.* Samuel Hamer. S. J. C. *Illegal keeping of intoxicating liquor with intent to sell*. Exceptions S. C. Argued; not yet decided.

COUNTY OF FRANKLIN.

Commonwealth *v.* Henry W. Coolidge. S. J. C. *Sending threatening letter to extort money*. Exceptions S. C. Argued; not yet decided.

Commonwealth *v.* Robert Wardell. S. J. C. *Lewdness*. Exceptions S. C. Argued; not yet decided.

COUNTY OF HAMPDEN.

Commonwealth *v.* John Kemmler. S. J. C. *Murder*. Not yet tried.

Commonwealth *v.* John Kemmler. S. J. C. *Murder*. Not yet tried.

Commonwealth *v.* John Kemmler. S. J. C. *Murder*. Not yet tried.

Attorney-General, *ex. rel.* Henry Smith *v.* Asa Smith and Andrew Bogert. S. J. C. *Information for nuisance by floating unrafted logs down the Connecticut River*. Not yet tried.

In re Donald McPhee. *Habeas Corpus*. Prisoner remanded.

COUNTY OF HAMPSHIRE.

Commonwealth *v.* Criton G. Haskins and J. Munroe Packard. S. J. C. *Larceny and receiving stolen goods*. Exceptions S. C. Exceptions sustained.

COUNTY OF MIDDLESEX.

Commonwealth *v.* Andrew Donelly. S. J. C. *Murder*. Defendant still in Taunton Lunatic Asylum.

Commonwealth *v.* Joseph Sullivan. S. J. C. *Murder*. Defendant still in Taunton Lunatic Asylum.

Commonwealth *v.* John N. Buzzell and Carrie Frances Porter. S. J. C. *Murder*. *Nol. pros.* entered against defendant Porter. Verdict, not guilty against defendant Buzzell.

Commonwealth *v.* Mortimer Johnson and Sarah A. Johnson. S. J. C. *Murder*. Not yet tried. Defendant Mortimer Johnson escaped from prison, and still at large.

Commonwealth *v.* Martin Byrnes. S. J. C. *Illegal sale of intoxicating liquor*. Exceptions S. C. Exceptions sustained.

Commonwealth *v.* Thomas J. McDuffy. S. J. C. *Obtaining money by false pretences*. Exceptions S. C. Exceptions sustained.

Commonwealth *v.* Albert W. Worcester. S. J. C. *Liquor nuisance*. Exceptions S. C. Exceptions overruled.

Commonwealth *v.* George A. Culver. S. J. C. *Breaking and entering*. Exceptions S. C. Exceptions sustained.

Commonwealth *v.* John K. Harriman. S. J. C. *Conveying real estate without disclosing incumbrance*. Exceptions S. C. Exceptions sustained.

Commonwealth *v.* John Riley. S. J. C. *Liquor nuisance*. Exceptions S. C. Exceptions overruled.

Commonwealth *v.* Nathaniel Allen. S. J. C. *Arson*. Exceptions S. C. Exceptions overruled.

Commonwealth *v.* William H. Carberry. S. J. C. *Perjury*. Exceptions S. C. Exceptions overruled.

Commonwealth *v.* Charles Boutwell. S. J. C. *Forgery*. Exceptions S. C. Argued; not yet decided.

Commonwealth *v.* Daniel B. Gilson. S. J. C. *Assault and battery*. Exceptions S. C. Not yet argued.

Commonwealth *v.* Ann McKiernan. S. J. C. *Illegal sale of intoxicating liquor*. Exceptions S. C. Not yet argued.

Commonwealth *v.* Edward Murphy. S. J. C. *Assault and battery on police-officer*. Exceptions S. C. Not yet argued.

Attorney-General, *ex. rel.* Mott *et al.*, selectmen of Arlington, *v.* Warren W. Rawson. S. J. C. *Information for obstruction of highway*. Not yet tried.

In re Enos T. Luce, administrator. Probate Court. *Petition for instructions under will of Jesse Coolidge*. Decree.

COUNTY OF NORFOLK.

Commonwealth *v.* Dennis Caney. S. J. C. *Murder*. Defendant still in Taunton Lunatic Asylum.

Commonwealth *v.* David Seannel. S. J. C. *Murder*. Defendant still in Taunton Lunatic Asylum.

Commonwealth *v.* Edward Fraher, 2d. S. J. C. *Liquor nuisance*. Exceptions S. C. Argued; not yet decided.

Commonwealth *v.* John Robinson. S. J. C. *Liquor nuisance*. Exceptions S. C. Argued; not yet decided.

Commonwealth *v.* John McCormack. S. J. C. *Illegal sale of liquor*. Exceptions S. C. Argued; not yet decided.

Commonwealth *v.* Jefferson Pratt. S. J. C. *Illegal keeping of liquor*. Exceptions S. C. Exceptions overruled.

Commonwealth *v.* B. Davis Washburn. S. J. C. *Keeping unlicensed dog*. Exceptions S. C. Not yet argued.

Commonwealth *v.* Philip McArdle *et al.* S. J. C. *Liquor nuisance*. Exceptions S. C. Argued; not yet decided.

Attorney-General, *ex. rel.* N. A. Cook *et al. v.* New-York & New-England Railroad Company. S. J. C. *Information for discontinuing passenger-station*. Grievance abated, and information thereupon dismissed.

Commonwealth *v.* Charles H. Hartwell. S. J. C. *Manslaughter*. Exceptions S. C. Not yet argued.

COUNTY OF PLYMOUTH.

Commonwealth *v.* Henry J. Gunn. S. J. C. *Murder*. Not yet tried.

Commonwealth *v.* Eugene McGuire. S. J. C. *Breaking and entering*. Exceptions S. C. Exceptions overruled.

COUNTY OF SUFFOLK.

Commonwealth, by Board of Commissioners of Savings Banks, *v.* Haydenville Savings Bank. Same *v.* Taunton Savings Bank. Same *v.* Woburn Five Cents Savings Bank. Same *v.* Broadway Savings Bank of Lawrence. S. J. C. *Petitions for injunctions and winding-up of affairs*. Injunctions dissolved, and petitions dismissed.

Commonwealth, by Board of Commissioners of Savings Banks, *v.* North Bridgewater Savings Bank. Same *v.* Mechanics' Savings Bank. Same *v.* Sandwich Savings Bank. Same *v.* Barnstable Savings Bank. Same *v.* Hyannis Savings Bank. Same *v.* West Boston Savings Bank. Same *v.* Mercantile Savings Institution. Same *v.* Dorchester Savings Bank. Same *v.* Rockport Savings Bank. Same *v.* Lexington Savings Bank. Same *v.* Needham Savings Bank. Same *v.* Reading Savings Bank. S. J. C. *Petitions for injunctions and winding-up of affairs*. Affairs in hands of receivers.

Commonwealth, by Board of Commissioners of Savings Banks, *v. City Five Cents Savings Bank. Same v. Home Savings Bank. Same v. Newburyport Five Cents Savings Bank. Same v. Emigrants' Savings Bank. Same v. Great Barrington Savings Bank. Same v. Lowell Savings Bank. Same v. Scituate Savings Bank. S. J. C. Petitions for injunctions and winding-up of affairs.* Temporary injunctions modified and still in force.

Commonwealth, by Insurance Commissioner, *v. New-England Mutual Marine Insurance Company. Same v. Conway Mutual Fire Insurance Company. Same v. Northampton Mutual Fire Insurance Company. Same v. Home Mutual Insurance Company. S. J. C. Petitions for injunctions and winding-up of affairs.* Affairs in hands of receivers.

Commonwealth, by Deputy Insurance Commissioner, *v. National Insurance Company. Same v. Exchange Insurance Company. Same v. Boston Insurance Company. Same v. Suffolk Fire Insurance Company. Same v. Manufacturers' Insurance Company. Same v. Howard Fire Insurance Company. Same v. Merchants' Insurance Company. Same v. Bay State Fire Insurance Company. Same v. Shoe and Leather Dealers' Insurance Company. Same v. Franklin Insurance Company. Same v. People's Fire Insurance Company. Same v. Washington Insurance Company. Same v. Neptune Insurance Company. S. J. C. Petitions for injunctions and winding-up of affairs.* Affairs in hands of receivers.

Attorney-General, *ex. rel.* Treasurer *v. South Pewabic Copper Company. Same v. Winthrop Manufacturing Company. Same v. United States Manufacturing Company. Same v. Canadian Stop Motive Company. Same v. American Furniture Company. Same v. Springfield and Newburyport Co-operative Mining Company. Same v. United States Electric Light Company. Same v. Peet Moulding Machine Company. Same v. Marginal Freight Railroad Company. Same v. American Carpet-cleaning Company. Same v. Drake Gaslight Company. Same v. Estes Plow Company. Same v. American Consolidated Fire Extinguisher Company. Same v. Merchants' Mutual Mustard Company. S. J. C. Informations for taxes.* Temporary injunctions in force.

Attorney-General, *ex. rel.* Treasurer, *v. Boston Post Company. Same v. Katama Land Company. Same v. Boston, Barre, and Gardner Railroad Company. Same v. Boston Box and Tag Company. Same v. Howard Watch and Clock Company. Same v. Johnson Rock Drill Company. Same v. Monadnock Railroad Company. Same v. Wenham Lake Ice Company. S. J. C. Informations for taxes.* Taxes paid; informations dismissed.

Attorney-General, *ex. rel.* Treasurer, *v. Revere Brick Company.*

Same *v.* American Railway Frog Company. Same *v.* Black River Mining Company. Same *v.* Haverhill Lime Company. Same *v.* Cambridge Brick Company. Same *v.* Goodyear Rubber Company. S. J. C. *Informations for not making returns.* Temporary injunctions in force.

Attorney-General, *ex. rel.* Treasurer, *v.* Avon Stone Company. Same *v.* American Art Foundry Company. S. J. C. *Informations for not making returns.* Service not yet made.

Commonwealth, by Tax Commissioner, *v.* Franklin Mining Company. Same *v.* Mesnard Mining Company. Same *v.* Pewabic Consolidated Mining Company. Same *v.* National Mining Company. Same *v.* Superior Mining Company. S. J. C. *Applications for injunctions for not making returns.* Not yet heard.

Commonwealth, by Commissioner of Corporations, *v.* Union Button-hole and Embroidery Machine Company. S. J. C. *Petition for dissolution.* Not yet heard.

Commonwealth *v.* Nicolo Infantino and Antonio Ardito. S. J. C. *Murder.* *Nol. pros.* entered.

Commonwealth *v.* Saro Chiavaro, Vincenzo Bandiera, and Joseph Donato. S. J. C. *Murder.* *Nol. pros.* entered.

Commonwealth *v.* Nicolo Infantino, Antonio Ardito, Saro Chiavaro, Vincenzo Bandiera, and Joseph Donato. S. J. C. *Murder.* *Nol. pros.* entered against Vincenzo Bandiera and Joseph Donato. Plea, guilty of murder in the second degree, by Nicolo Infantino and Antonio Ardito. Sentence, imprisonment in the State Prison for life. Plea, guilty of murder in the second degree, by Saro Chiavaro, followed by motion in arrest of judgment; reported to full court. Not yet argued.

Commonwealth *v.* Thomas Brennan, *alias* Branning. S. J. C. *Murder.* Defendant still in lunatic-hospital.

Commonwealth *v.* Spencer Pettes. S. J. C. *Writ of error.* Judgment affirmed.

Commonwealth *v.* James Stevenson. S. J. C. *Obtaining signature by false pretences.* Exceptions S. C. First count, exceptions overruled. Second count, exceptions sustained.

Commonwealth *v.* Andrew Bressant. S. J. C. *Larceny.* Exceptions S. C. Exceptions overruled.

Commonwealth *v.* John Ducey. S. J. C. *Assault and battery.* Exceptions S. C. Exceptions overruled.

Commonwealth *v.* Charles Doherty. S. J. C. *Embezzlement.* Exceptions S. C. Exceptions overruled.

Commonwealth *v.* John Chase. S. J. C. *Disobeying orders of superintendent of drawbridge.* Exceptions S. C. Exceptions overruled.

Commonwealth *v.* Mary Jane Adams. S. J. C. *Accessory to abortion.* Exceptions S. C. Exceptions overruled.

Commonwealth *v.* Charles L. Williams. S. J. C. *Conveying real estate without disclosing incumbrance.* Exceptions S. C. Exceptions sustained.

Commonwealth *v.* Margaret Stevens. S. J. C. *Receiving stolen goods.* Exceptions S. C. Exceptions overruled.

Commonwealth *v.* Solomon Cohen and John J. Conway. S. J. C. *Conspiracy to commit felony.* Exceptions S. C. Exceptions overruled.

Commonwealth *v.* James L. Sargent. S. J. C. *Perjury.* Exceptions S. C. Argued; not yet decided.

Commonwealth *v.* Morris Costello. S. J. C. *Rescue.* Exceptions S. C. Exceptions overruled.

Commonwealth *v.* Daniel Murphy. S. J. C. *Assault.* Exceptions S. C. Exceptions waived.

Commonwealth *v.* John Riley. S. J. C. *Larceny.* Exceptions S. C. Exceptions overruled.

Commonwealth *v.* Moses Colby. S. J. C. *Stagnant water in cellars.* Exceptions S. C. Exceptions overruled.

Commonwealth *v.* John Casey. S. J. C. *Larceny.* Exceptions S. C. Exceptions waived.

Commonwealth *v.* George G. Hall and J. Reed Whipple. S. J. C. *Illegal sale of woodcock.* Exceptions S. C. Not yet argued.

Commonwealth *v.* John O'Brien. S. J. C. *Obtaining goods under false pretences.* Exceptions S. C. Not yet argued.

Commonwealth *v.* Saro Chiavaro. S. J. C. *Murder.* Motion in arrest of judgment. Not yet argued.

T. Jefferson Coolidge *v.* William S. Dexter. S. J. C. *Contract for sale of land.* Not yet argued.

Peter Roos *v.* William R. Ware. S. C. *Replevin of drawings belonging to State Normal Art School.* Judgment for defendant.

Troy & Greenfield Railroad *v.* Commonwealth. S. J. C. *Bill to redeem mortgage.* Demurrer sustained; bill dismissed.

Joshua B. Smith *v.* Commonwealth. S. C. *Contract.* Not yet tried.

In re Nathaniel Allen; *in re* Richard J. Leslie; *in re* William A. Strongman. *Petitions for Habeas Corpus.* Petitions dismissed.

In re Lizzie Parkman. *Petition for Habeas Corpus.* Writ granted; petitioner discharged.

In re Edward Sullivan; *in re* Michael Keenan. *Petitions for Habeas Corpus.* Cases continued; petitioners released on bail.

COUNTY OF WORCESTER.

Commonwealth *v.* Francis E. Hayden. S. J. C. *Murder*. Verdict, not guilty.

Commonwealth *v.* Thomas F. Callahan. S. J. C. *Murder*. Plea, guilty of murder in the second degree. Sentence, imprisonment for life.

Commonwealth *v.* Louis Army. S. J. C. *Murder*. Not yet tried.

Commonwealth *v.* Charles L. Wilder. S. J. C. *Wantonly destroying a tree*. Exceptions S. C. Exceptions overruled.

Commonwealth *v.* Martin Haney. S. J. C. *Manslaughter*. Exceptions S. C. Exceptions overruled.

Commonwealth *v.* Jeremiah Horregan. S. J. C. *Malicious mischief*. Motion in arrest of judgment. Judgment arrested.

Commonwealth *v.* Michael Toomey. S. J. C. *Malicious mischief*. Motion in arrest of judgment. Judgment arrested.

Commonwealth *v.* Edwin Schofield. S. J. C. *Bigamy*. Exceptions S. C. Exceptions waived.

Commonwealth *v.* Etta A. Dickinson. S. J. C. *Bigamy*. Exceptions S. C. Exceptions waived.

Commonwealth *v.* Frank Tiernay. S. J. C. *Larceny*. Exceptions S. C. Exceptions waived.

Commonwealth *v.* Marc Fontaine. S. J. C. *Liquor nuisance*. Exceptions S. C. Exceptions sustained.

Commonwealth *v.* Henry J. Munson. S. J. C. *Lewd cohabitation*. Exceptions S. C. Exceptions sustained.

Commonwealth, by Board of Commissioners of Savings Banks, *v.* Lancaster Savings Bank. S. J. C. *Petition for injunction and winding-up of affairs of the bank*. Affairs in the hands of receivers.

CASES

Requiring the Attorney-General's Official Supervision during the Year ending Jan. 21, 1880, though not conducted nor argued by him.

COUNTY OF BRISTOL.

Attorney-General, *ex. rel.* S. T. Viall *et al.*, *v.* William T. Soule, Mayor of New Bedford, *et al.* S. J. C. *Mandamus*. Argued; not yet decided.

Attorney-General, *ex. rel.* S. T. Viall *et al.*, *v.* Thomas L. Allen. S. J. C. *Quo warranto*. Argued; not yet decided.

Attorney-General, *ex. rel.* William S. Baker *v.* James M. Cushman. S. J. C. *Quo warranto*. Information dismissed.

COUNTY OF MIDDLESEX.

Commonwealth *v.* Fitchburg Railroad Company. S. J. C. *Manslaughter*. Exceptions S. C. Exceptions sustained.

Commonwealth *v.* Boston & Maine Railroad Company. S. J. C. *Manslaughter*. Exceptions S. C. Not yet argued.

COUNTY OF SUFFOLK.

Attorney-General *ex. rel.* William F. Hart *et al.* S. J. C. Not yet heard.

Richardson *v.* Hall *et al.* S. J. C. *Bill for instruction as to administration of trust*. Final decree.

Attorney-General, *ex. rel.* George Bowman. Same *v.* Walter S. Wilkins. S. J. C. *Informations to restrain trade of slaughtering*. Injunctions in force.

Attorney-General, *ex. rel.*, *v.* Middlesex Railroad. S. J. C. *Information*. Bill discontinued.

In re John J. Williams. S. J. C. *Petition to sell real estate*. Not yet heard.









